

FIRST REGULAR SESSION

# HOUSE BILL NO. 66

## 98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE DUGGER.

0557H.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to voter identification.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows:

115.427. 1. Before receiving a ballot, voters shall establish their identity and eligibility to vote at the polling place by presenting a form of personal identification. "Personal identification" shall mean only one of the following:

(1) Nonexpired Missouri driver's license showing the name and a photograph or digital image of the individual; or

(2) Nonexpired or nonexpiring Missouri nondriver's license showing the name and a photographic or digital image of the individual; or

(3) A document that satisfies all of the following requirements:

(a) The document contains the name of the individual to whom the document was issued, and the name substantially conforms to the most recent signature in the individual's voter registration record;

(b) The document shows a photographic or digital image of the individual;

(c) The document includes an expiration date, and the document is not expired, or if expired, expired not before the date of the most recent general election; and

(d) The document was issued by the United States or the state of Missouri; or

(4) Any identification containing a photographic or digital image of the individual which is issued by the Missouri National Guard, the United States Armed Forces, or the United States

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 Department of Veteran Affairs to a member or former member of the Missouri National Guard  
19 or the United States Armed Forces and that does not have an expiration date.

20       2. The election authority shall post a clear and conspicuous notice at each polling place  
21 informing each voter who appears at the polling place without a form of personal identification  
22 that satisfies the requirements of subsection 1 of this section that the voter may return to the  
23 polling place with a proper form of personal identification and vote a regular ballot after election  
24 judges have verified the voter's identity and eligibility under subsection 1 of this section. In  
25 addition to such posting, the election judges may also inform such voters by written or oral  
26 communication of such information posted in the notice. Voters who return to the polling place  
27 during the uniform polling hours established by section 115.407 with a current and valid form  
28 of personal identification shall be given priority in any voting lines.

29       3. An individual who appears at a polling place without identification in the form  
30 described in subsection 1 of this section and who is otherwise qualified to vote at that polling  
31 place may execute an affidavit averring that the voter is the person listed in the precinct register  
32 and that the voter does not possess a form of identification specified in this section and is unable  
33 to obtain a current and valid form of personal identification because of:

34       (1) A physical or mental disability or handicap of the voter, if the voter is otherwise  
35 competent to vote under Missouri law; or

36       (2) A sincerely held religious belief against the forms of personal identification described  
37 in subsection 1 of this section; or

38       (3) The voter being born on or before January 1, 1941.

39       Upon executing such affidavit, the individual may cast a provisional ballot. Such  
40 provisional ballot shall be counted, provided the election authority verifies the identity of the  
41 individual by comparing that individual's signature to the signature on file with the election  
42 authority and determines that the individual was eligible to cast a ballot at the polling place  
43 where the ballot was cast.

44       4. The affidavit to be used for voting under subsection 3 of this section shall be  
45 substantially in the following form: "State of .....

46 County of .....

47 I do solemnly swear (or affirm) that my name is .....; that I reside at  
48 .....; and that I am the person listed in the precinct register under this name  
49 and at this address. I further swear (or affirm) that I am unable to obtain a current and valid form  
50 of personal identification because of:

51 ☐ A physical or mental disability or handicap; or

52 ☐ A sincerely held religious belief; or

53 ☐ My being born on or before January 1, 1941.

54 I understand that knowingly providing false information is a violation of law and subjects me to  
55 possible criminal prosecution.

56 .....

57 Signature of voter

58 Subscribed and affirmed before me this ..... day of ....., 20....

59 .....

60 Signature of election official"

61 5. A voter shall be allowed to cast a provisional ballot under section 115.430 even if the  
62 election judges cannot establish the voter's identity under subsection 1 of this section. The  
63 election judges shall make a notation on the provisional ballot envelope to indicate that the  
64 voter's identity was not verified. The provisional ballot cast by such voter shall not be counted  
65 unless:

66 (1) The voter returns to the polling place during the uniform polling hours established  
67 by section 115.407 and provides a form of personal identification that allows the election judges  
68 to verify the voter's identity as provided in subsection 1 of this section; and

69 (2) The provisional ballot otherwise qualifies to be counted under section 115.430.

70 6. The secretary of state shall provide advance notice of the personal identification  
71 requirements of subsection 1 of this section in a manner calculated to inform the public generally  
72 of the requirement for photographic personal identification as provided in this section. Such  
73 advance notice shall include, at a minimum, the use of advertisements and public service  
74 announcements in print, broadcast television, radio, and cable television media, as well as the  
75 posting of information on the opening pages of the official state internet websites of the secretary  
76 of state and governor.

77 7. The provisions of section 136.055 and section 302.181 notwithstanding, any applicant  
78 who requests a nondriver's license with a photograph or digital image for the purpose of voting  
79 shall not be required to pay a fee if the applicant executes an affidavit averring that the applicant  
80 does not have any other form of photographic personal identification that meets the requirements  
81 of subsection 1 of this section. The state of Missouri shall pay the legally required fees for any  
82 such applicant. The director shall design an affidavit to be used for this purpose. However, any  
83 disabled or elderly person otherwise competent to vote shall be issued a nondriver's license photo  
84 identification through a mobile processing system operated by the Missouri department of  
85 revenue upon request if the individual is physically unable to otherwise obtain a nondriver's  
86 license photo identification. The department of revenue shall make nondriver's license photo  
87 identifications available through its mobile processing system only at facilities licensed under  
88 chapter 198 and other public places accessible to and frequented by disabled and elderly persons.  
89 The department shall provide advance notice of the times and places when the mobile processing

90 system will be available. At least nine mobile units housed under the office of administration  
91 shall remain available for dispatch upon the request of the department of revenue to fulfill the  
92 requirements of this section. The total cost associated with nondriver's license photo  
93 identification under this subsection shall be borne by the state of Missouri from funds  
94 appropriated to the department of revenue for that specific purpose. The department of revenue  
95 and a local election authority may enter into a contract that allows the local election authority to  
96 assist the department in issuing nondriver's license photo identifications.

97 8. The director of the department of revenue shall, by January first of each year, prepare  
98 and deliver to each member of the general assembly a report documenting the number of  
99 individuals who have requested and received a nondriver's license photo identification for the  
100 purposes of voting under this section. The report shall also include the number of persons  
101 requesting a nondriver's license for purposes of voting under this section, but not receiving such  
102 license, and the reason for the denial of the nondriver's license.

103 9. The precinct register shall serve as the voter identification certificate. The following  
104 form shall be printed at the top of each page of the precinct register:

105 VOTER'S IDENTIFICATION CERTIFICATE

106 Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful  
107 right to vote.

108 PRECINCT

109 WARD OR TOWNSHIP.....

110 GENERAL (SPECIAL, PRIMARY) ELECTION

111 Held ....., 20....

112 Date

113 I hereby certify that I am qualified to vote at this election by signing my name and verifying my  
114 address by signing my initials next to my address.

115 10. The secretary of state shall promulgate rules to effectuate the provisions of this  
116 section.

117 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
118 created under the authority delegated in this section shall become effective only if it complies  
119 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
120 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
121 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
122 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
123 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

124 12. If any voter is unable to sign his name at the appropriate place on the certificate or  
125 computer printout, an election judge shall print the name and address of the voter in the

appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

13. For any election held on or before November 1, 2008, an individual who appears at a polling place without identification in the form described in subsection 1 of this section, and who is otherwise qualified to vote at that polling place, may cast a provisional ballot after:

(1) Executing an affidavit which is also signed by two supervising election judges, one from each major political party, who attest that they have personal knowledge of the identity of the voter, provided that the two supervising election judges who sign an affidavit under this subdivision shall not be involved or participate in the verification of the voter's eligibility by the election authority after the provisional ballot is cast; or

(2) (a) Executing an affidavit affirming his or her identity; and

(b) Presenting a form of identification from the following list:

a. Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

b. Identification issued by the United States government or agency thereof;

c. Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;

d. A copy of a [current utility bill, bank statement,] government check, paycheck, or other government document that contains the name and address of the voter; or

e. Driver's license or state identification card issued by another state. Such provisional ballot shall be entitled to be counted, provided the election authority verifies the identity of the individual by comparing that individual's signature to the current signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast.

14. The affidavit to be used for voting under subsection 13 of this section shall be substantially in the following form:

"State of .....

County of .....

I do solemnly swear (or affirm) that my name is .....; that I reside at .....; and that I am the person listed in the precinct register under this name and at this address.

I understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

.....

Signature of voter

160 Subscribed and affirmed before me this ..... day of ....., 20....

161 .....

162 Signature of Election Official".

163 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall become

164 effective August 28, 2006, and this subsection shall expire September 1, 2006.

✓